

BUSKING

AND STREET ENTERTAINMENT IN WESTMINSTER



City of Westminster

City
for
All

Draft policy 2020

#BuskWestminster

INTRODUCTION AND POLICY OVERVIEW

Every day the streets and public spaces of Westminster are brought to life by busking and street entertainment. This includes musicians, magicians, comedians, artists, dancers and others who come from all over the world to perform on our streets.

However, along with entertainment and vibrancy, busking and street entertainment can also cause adverse impacts including noise, obstruction and public safety issues. In recent years we have received an average of 1800 complaints each year.

To ensure we deliver a City for All, this draft policy seeks to balance the interests of buskers and street entertainers with those who live, work and visit here by promoting a voluntary Code of Conduct, supporting performers to self-regulate, and promoting membership to the Westminster wide Busking and Street Entertainment Forum. The policy also recognises that in certain locations within our city, the adverse impacts experienced by pedestrians, residents and business are significant and a tailored and targeted response is needed to improve control and address these concerns.

Before you perform here you must make yourself familiar with our Code of Conduct and Policy.

- We have a **Westminster wide** Code of Conduct within this Policy that you should follow to ensure you are being considerate of both the local community and those sharing the public space with you. We also encourage all buskers and street entertainers to go to our dedicated webpage for information and join our Busking and Street Entertainment Forum.
- In **Covent Garden** there is an established self-regulating Street Performers Association (SPA) that you are encouraged to join before performing.
- In **Trafalgar Square** and **Leicester Square** there is a newly created SPA that you are encouraged to join before performing here. In Trafalgar Square we are piloting busker and street entertainer self-regulation with the SPA, however in Leicester Square you will need to apply for a licence to perform (see below).
- **Oxford Street, Piccadilly Circus, Chinatown** and **Leicester Square** are busking and street entertainment regulated areas. There is a light touch licensing scheme applicable in these areas which means you will need to apply for a licence to perform here, keep to designated pitches, and abide by the conditions of your licence.

This draft policy is based upon the careful consideration of evidence and engagement with buskers and street entertainers, businesses and residents, however we will also monitor the policy throughout its first year of implementation and conduct a full review after 12 months so that it can be adapted based on results and feedback if required.

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WHAT IS BUSKING AND STREET ENTERTAINMENT?

Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.

The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists, dancers, acrobats and mime artists.

For the purposes of this policy busking and street entertainment is not considered to be:

- Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
- Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
- Entertainment related to a religious meeting, procession or service, or traditional seasonal festivities including carol singing, morris dancing or similar.
- Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Parades and Film Premieres.

If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact streetentertainment@westminster.gov.uk

HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON



1741
'The Enraged Musician'
by William Hogarth



1850
Harmony In
Leicester Square'



1955
Harpist, Photo by B J Green



1903
Buskers, Living
London Magazine
by George Sims



1955
Musicians, Soho Fair



1965
The Happy Wanderers
Sand Dance,
Leicester Square



1980
Musicians, Abbey
Road pedestrian
crossing



2019
Busking and Street
Entertainment in
present day

JOIN OUR BUSKING AND STREET ENTERTAINMENT COMMUNITY

Stay informed

The council's website has a page dedicated to all things busking and street entertainment including:

- What is busking and street entertainment
- Frequently asked questions
- Busker and Street Entertainer Forum details and meeting dates
- Details and dates of busking and street entertainment wide community and partnership meetings
- Community involvement opportunities and events
- Diary of upcoming city events that may affect where you choose to perform
- Feedback
- Mailing list
- Contacts

Please go online to find out more
westminster.gov.uk/busking-westminster

Join our Busking and Street Entertainment Forum

We have created a Busking and Street Entertainment Forum which is open to all buskers and street entertainers and is free to join online.

The Busking and Street Entertainment Forum meet with council officers twice a year to collect your feedback and concerns, answer your questions, share ideas, and work together to find ways to promote busking and street entertainment across our city.

The Forum also serves as a bridge between the busking community and our local resident and business forums in order to foster good relations and open communication and to promote partnership among all those that strive to contribute to the use and enjoyment of our shared public spaces.

The Forum will play a key role in reviewing the implementation of this policy.



THE WESTMINSTER BUSKING AND STREET ENTERTAINMENT CODE OF CONDUCT

There are seven principles that make up our Code of Conduct. If you're performing anywhere in Westminster you should abide by this code, which sets out how you can perform responsibly and be considerate of other performers, surrounding residents, businesses and other users of the shared public space.

1. Safety first!

All buskers and street entertainers should be confident that both they and their performance is safe for those enjoying the performance. This means that:

- You should hold public liability insurance of at least £2 million.
- You must ensure that no one could trip over your equipment, and you must never leave equipment unattended.
- No naked flame, pyrotechnics, fireworks, knives, sharp objects or anything similar should be used as part of the performance.
- No unlicensed animals should accompany the busker or street entertainer, or be used as part of the performance.

2. Performance hours

All busking and street entertainment should only take place between the hours of 10am and 9pm. Any amplified entertainment beyond 9pm and before 8am is an offence under the Control of Pollution Act 1974 and you may be liable to enforcement action.

3. Avoid causing a nuisance

Buskers and street entertainers should take all reasonable steps to make sure their performance does not adversely impact those around them. This means:

- Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level.
- If you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.
- You should have a full and varied repertoire that avoids repeating sounds, songs, or music.
- You should be aware of other buskers and street entertainers in the area and space yourself far enough away to avoid sound clash. A good indication of an appropriate space between performers is around three car lengths (50ft).
- A performance should not be longer than 40 minutes and there should be a 20 minute break before the next busker or street entertainer performs.
- You should respect other buskers and street entertainers and cooperate with any queuing system in the area by leaving the location after you have finished your performance.

4. Don't cause an obstruction

Buskers and street entertainers should make sure their performance and audience does not cause an obstruction to pedestrians, road users and neighbouring premises. This means that:

- You should never block any entrances or exits to premises, and no pedestrians should spill out onto the road to get past you or your audience. An obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
- You should stop your performance or ask other buskers and street entertainers to help you take steps to control your audience if they cause an obstruction. If your attempts to relieve the audience from causing an obstruction do not work, you should cease your performance.

5. Co-operate with Authorised Officers and the Police

Council officers, authorised officers of the council, police officers or police community support officers may at times ask that you adjust your performance or move locations in the event of an emergency, public disorder, planned events, or to prevent a nuisance from being caused. Our officers have a right to do this without fear of threatening or abusive behaviour.

You should co-operate with any such reasonable requests, however if you have any concerns about the conduct of officers carrying out their duties you can contact the team at [westminster.gov.uk/complaints](https://www.westminster.gov.uk/complaints)

6. Only sell merchandise if you have permission

You can give away CDs or other merchandise items **directly associated** with your performance (for example a musician giving away their CDs), but you cannot charge a fee for them or accept donations. You may only sell items if you have a temporary licence to engage in street trading under the City of Westminster Act 1999. Buskers and street entertainers will be granted a 6 month temporary street trading licence for a £20 nominal fee if:

- You are a Busking and Street Entertainment Licence Holder trading in the regulated areas.
- You are a member of the Covent Garden and/or Westminster Street Performers Associations (SPA) operating in the SPA areas.

7. Talk to the council and the local community, and use the Forum

The best way to promote busking and build partnerships with residents and businesses is to keep in frequent contact with us, and engage with your local community. There are many ways to do this including talking to local businesses and residents directly, joining the dedicated Busking and Street Entertainment Forum, attending wider community meetings, and providing us with feedback via our website.



PERFORMER SELF REGULATION AND STREET PERFORMERS ASSOCIATIONS

Whether you are a regular or occasional performer in Westminster, you are part of our city's busking and street entertainment community. Being a part of this community means that you should look after each other, respect each other and work together. This is commonly known as busking and street entertainment self-regulation.

Self-regulation typically includes (but is not limited to):

- Awareness and adherence to the Westminster Busking and Street Entertainment Code of Conduct and Policy.
- Operating a queuing or ballot system for popular busking and street entertainment locations.
- Asking other buskers and street entertainers who may be too loud to adjust their volume.
- Helping to control audiences and prevent them from causing a nuisance.
- Participating in the Busking and Street Entertainment Forum and engaging with the wider community to foster good relations with all users of the shared public space.

Across our city there are some buskers and street entertainers that have formed organised groups known as Street Performers Associations (SPAs). Members of the SPA work together in local areas to ensure that busking and street entertainers treat each other fairly, and performances are not adversely impacting on the surroundings by pro-actively monitoring each other's behaviour. In Westminster there are two SPAs that you are encouraged to join before you perform in their areas of operation.

The Covent Garden SPA

The Covent Garden SPA is a long-established group of regular buskers and street entertainers managing a wide-ranging repertoire of world leading performers. To become a member of the SPA and perform here, you will need to audition.

To find out more you should go online coventgarden.london/street-performers or visit their Facebook page at facebook.com/coventspa

Westminster SPA (Leicester Square and Trafalgar Square)

The Westminster SPA is a new group of regular performers that are trying to improve self-regulation in both Trafalgar Square and Leicester Square. Anyone can join and become a member of The Westminster SPA by going online westminsterspa.co.uk. Buskers and street entertainers wanting to perform in Leicester Square and Trafalgar Square should join the SPA but must also be aware of the additional management schemes in operation:

- **Leicester Square** is part of the busking and street entertainment regulation areas and you will need a licence to perform here
- **Trafalgar Square** is being piloted as a self-regulating area in accordance with the principles and objectives on the attached plan.



TRAFALGAR SQUARE: INTRODUCING AND SUPPORTING THE WESTMINSTER SPA PILOT

Trafalgar Square is a destination known for the National Galleries, fountains, historic and contemporary statues, and public artwork. The area that hosts the iconic fountains and Nelsons Column is managed by the Greater London Authority (GLA) and busking and street entertainment is not permitted here unless express permission is given by the GLA.

In Trafalgar Square the council are supporting the newly created SPA to embed self-regulation on the North Terrace of Trafalgar Square and surrounding streets, to promote responsible busking and street entertainment, and to eliminate adverse impacts.

To perform here you should:

- Join the SPA.
- Abide by the Westminster Code of Conduct.
- Perform only in the marked locations. Adhere to the terms indicated on the map.
- Pro-actively tell other buskers and street entertainers to adjust their performance if necessary.

- Sound from any performance should not be heard by nearby premises. As an indicator your volume should only be heard just above ambient noise level, and if you use an amplifier this should never be powered with any external power sources, for example extra battery packs or generators.

Pitch 1: Trafalgar Square North Terrace Zone

Buskers and street entertainers should perform only within the marked zone. This zone is suitable for multiple buskers and street entertainers of all types performing at the same time, however you should always leave enough space between you and any adjacent performer and their audience. The SPA operates a queuing system here for the rotation of performers. Amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not clash with any other performer in the vicinity, nor cause a nuisance to nearby premises.

Pitch 2: King Charles Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space. Due to the proximity of the road, this pitch is suited for walk-by performances that do not attract audiences. The use of amplification, brass, wind percussion and percussive instruments are acceptable providing the sound does not cause a nuisance to nearby premises.

Pitch 3: Northumberland Avenue

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space and is suited for performances that attract audiences providing they do not cause an obstruction to passing pedestrians. Due to the proximity of business premises, amplification, brass, wind, percussion and percussive instruments are unsuitable for this location.

THE BUSKING AND STREET ENTERTAINMENT REGULATION AREAS¹

Oxford Street, Piccadilly Circus, Chinatown and Leicester Square

Oxford Street, Piccadilly Circus, Chinatown and Leicester Square are popular and busy visitor areas in the West End of our city, attracting a high number of buskers and street entertainers. Competition for performance space is high and the adverse impacts are significant in these busy and congested areas.

Busking and street entertainment needs to be controlled in these areas to ensure:

- Buskers and street entertainers have dedicated spaces.
- Buskers and street entertainers perform only in dedicated locations that minimises adverse impacts to pedestrians, businesses and local residents.
- Levels of sound and volume are controlled to prevent a nuisance being caused to surrounding businesses and residents.

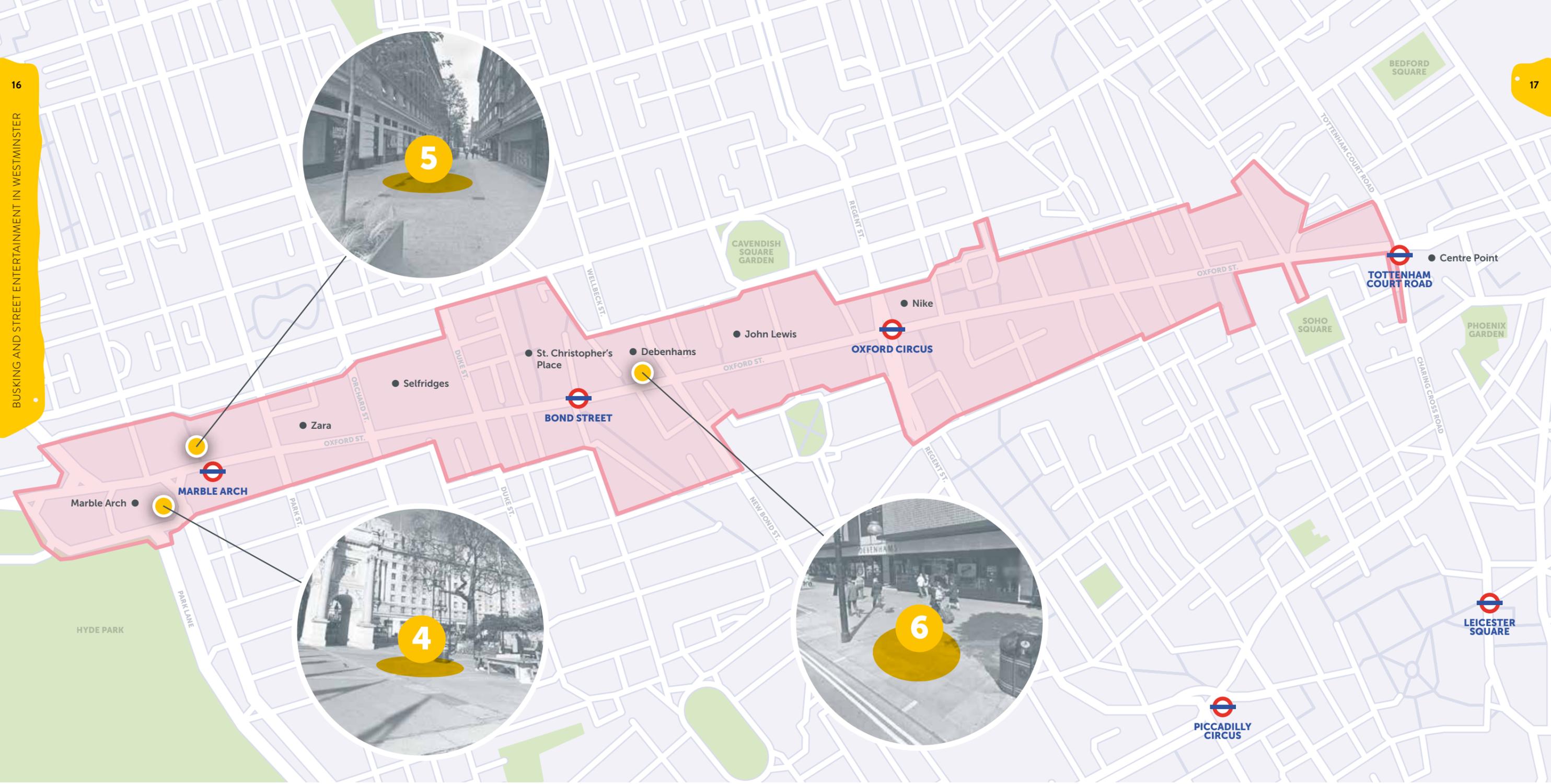
Busking and street entertainment is therefore prohibited in all parts of these regulated areas other than on designated and marked pitches. Busking or street entertainment is **ONLY** permitted if:

- You are on a designated and marked busking and street entertainment pitch, and
- you have a licence to perform on these pitches, and
- are acting in accordance with the busking and street entertainment licence terms and conditions.

Maps of the regulated areas and details of the designated and marked pitches are provided overleaf. For the full and detailed list of streets where busking and street entertainment is prohibited, and exact location of the marked and designated pitches see Appendix A.



¹ Part V London Local Authorities Act 2000



OXFORD STREET

Oxford Street is located in the West End and runs from Tottenham Court Road to Marble Arch via Oxford Circus. It is Europe's busiest shopping street with around half a million daily visitors. It is also a main thoroughfare for London buses and taxis, and there are a number of residents in the surrounding streets. Performances are not permitted anywhere along this street or surrounding side streets other than the three designated busking and street entertainment pitches in accordance with the busking and street entertainment licence conditions.

Pitch 4: Marble Arch

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and any event that may be taking place in the vicinity.

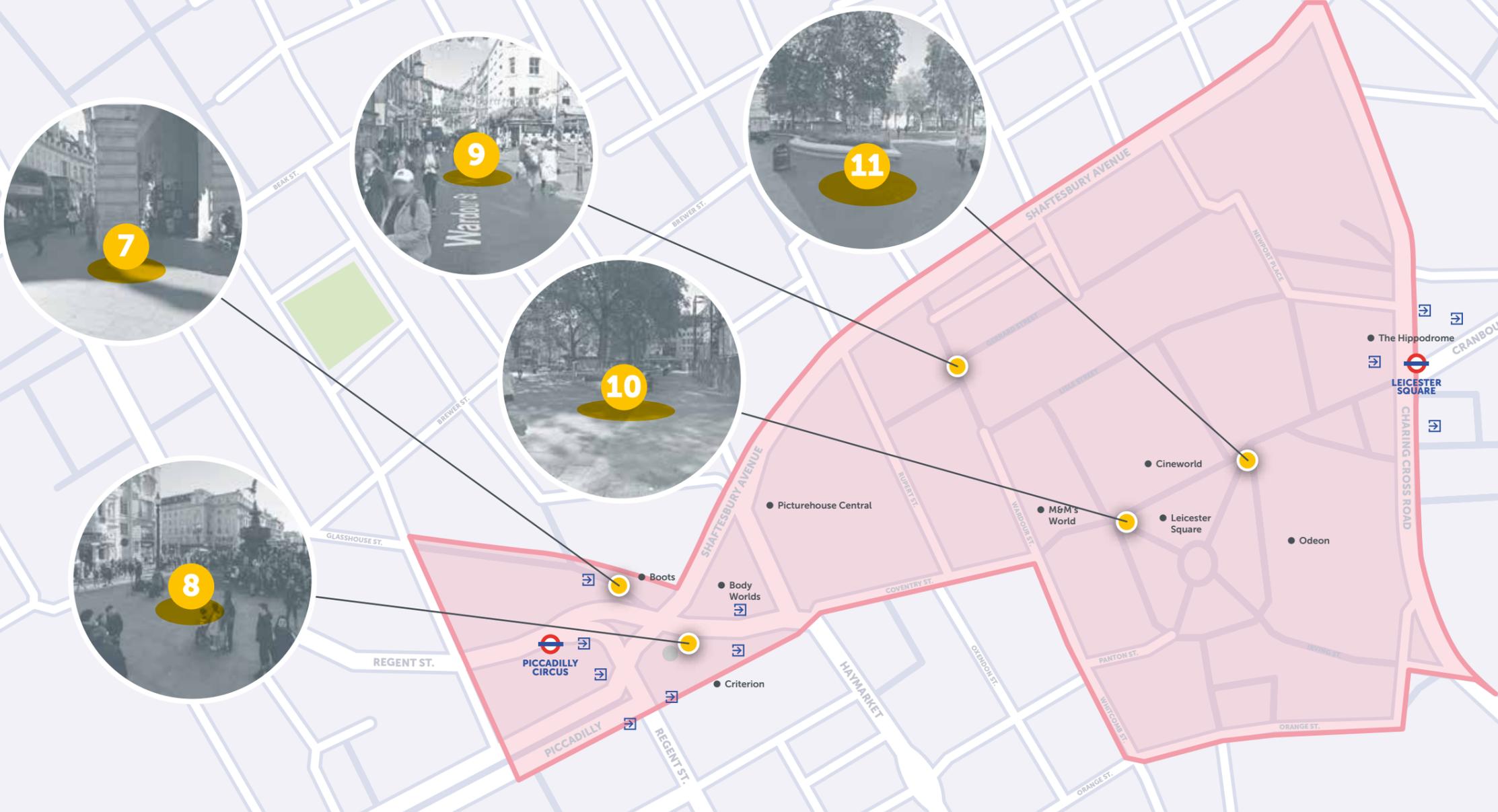
Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

Pitch 5: Old Quebec Street

This pitch is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 6: Vere Street

This pitch is suitable for all performances that need no more than 1.5 metres in diameter space. Due to the proximity of the road and business premises, and this area being a busy pedestrian thoroughfare, this pitch is more appropriate for walk-by performances that do not attract audience. Due to the proximity of business and residential premises amplification, brass, wind, percussion and percussive instruments are not permitted.



PICCADILLY CIRCUS, CHINATOWN AND LEICESTER SQUARE

Piccadilly Circus, Chinatown and Leicester Square are only a few minutes' walk away from each other and together they form a single popular visitor destination that is host to internationally recognised venues, cultural attractions and the UK's film premiers. This area is also a busy pedestrian and traffic thoroughfare connecting people across the West End.

Performances are not permitted anywhere other than the five designated busking and street entertainment pitches in accordance with the licence terms and conditions. The Westminster SPA also operate in this area supporting buskers and street entertainers to understand the rules and working with businesses to reduce complaints and the need for enforcement here.

Pitch 7: Glasshouse Street

This pitch is suitable for all performances that need no more than 1.5 metres in space. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted. Due to the proximity of the road this pitch is more appropriate for walk-by performances that do not attract audiences.

Pitch 8: Eros Statue

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians, nearby premises and the entrance to the tube station. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 9: Chinatown

This pitch only operates Monday to Friday between the hours of 10am to 9pm. It is suitable for all performances that need no more than 2 metres in diameter space. Due to the proximity of business premises and this area being a busy pedestrian thoroughfare this pitch is more appropriate for walk-by performances that do not attract audiences. Due to the proximity of business premises amplification, brass, wind percussion and percussive instruments are not permitted.

Pitch 10: Leicester Square North West

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind, percussion and percussive instruments are not permitted.

Pitch 11: Leicester Square North East

This pitch is suitable for all performances that need no more than 3 metres in diameter space and is appropriate for performances that attract larger audiences providing they do not cause an obstruction to passing pedestrians and nearby premises. Amplification, brass, wind percussion and percussive instruments are permitted here providing the sound does not cause a nuisance to nearby premises.

STANDARD LICENCE CONDITIONS²

1. Each busker and street entertainer must be familiar with and adhere to the Westminster Busking and Street Entertainment Policy, the extent of the busking and street entertainment regulated areas, the location of designated and marked busking pitches and any terms and conditions that apply in respect of each of the designated and marked pitches.
2. All buskers and street entertainers must have a valid busking and street entertainment licence to perform at any of the designated and marked pitches within the busking and street entertainment regulated areas.
3. Each busker and street entertainer requires a busking and street entertainment licence, whether performing individually or as part of a busking and street entertainment group. For group performances, each member of the group needs to have a valid busking and street entertainment licence. Busking and street entertainment licences cannot be transferred or used by any person other than the named person on the licence.
4. Each busker and street entertainer must clearly display their busking and street entertainment licence during any performance, and this must be made available for immediate inspection on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
5. Busking and street entertainment is permitted at any of the designated and marked pitches within the busking and street entertainment regulated areas from Monday to Sunday between the hours of 10am and 9pm, with the exception of Pitch 6 (Chinatown), where busking and street entertainment is only permitted from Monday to Friday between the hours of 10am and 9pm.
6. Pitches may be suspended in the event of an emergency, public disorder, planned events, or to prevent a nuisance being caused. Buskers and street entertainers must immediately comply with any requirement to cease busking that may be given by any person authorised by the council or by any Police Officer or any Police Community Support Officer in those circumstances.
7. All busking and street entertainment must be contained within the designated and marked busking pitch. This means that all the buskers and street entertainers, the performance itself and anything used in connection with the performance must be within the designated and marked pitch.
8. Only one busking and street entertainment performance is permitted at any one time in any of the designated busking pitches.
9. Each busker and street entertainer must obtain and hold a valid certificate of no less than £2 million public liability insurance which must be made available for immediate inspection on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
10. Each busker and street entertainer must ensure that sound as a result of any performance does not cause nuisance to persons in nearby premises and levels must be immediately reduced on the request of any person authorised by the council or by any Police Officer or any Police Community Support Officer.
11. No amplified, wind, brass, percussion or percussive busking or street entertainment performances are permitted, with the exception of Pitch 1 (Marble Arch), and Pitch 8 (Leicester Square North East). These pitches permit amplification and such instruments only where the sound does not cause a nuisance to persons in nearby premises. The council does not permit the use of external power sources with amplifiers (e.g. battery packs or generators).
12. Busking and street entertainment performances must not be longer than 40 minutes from start to finish and there must be a 20 minute break before the next busker or street entertainer performs.
13. Each busker and street entertainer must ensure their performance and audience does not cause an unreasonable obstruction to pedestrians, road users and neighbouring premises. An unreasonable obstruction is likely to be caused if a wheelchair or double pushchair cannot comfortably move past.
14. No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance. No unlicensed animals shall accompany the buskers and street entertainers nor be used as part of the performance.
15. Each busking and street entertainment licence holder must comply with any request given by any person authorised by the Council or by any Police Officer or any Police Community Support Officer regarding the busking or street entertainment, which may include directions to stop performing.

² Regulations made by the City of Westminster pursuant to Section 40(1) of the London Local Authorities Act 2000 prescribing the standard conditions which will be applicable to all licences to busk, except when expressly excluded or amended in any particular case





LICENSING APPLICATION PROCESS AND PROCEDURES

The full regulations for applications and the determination of applications is outlined in Appendix B³. A summary of the process and procedures has been provided below.

Applying for a Licence

An application for a busking and street entertainment licence must be made in writing to the council using the application form available online. The following information and documents will also be required:

- Name and home address in the UK.
- Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
- Two forms of identification, including a passport or driving licence.
- Proof of valid Public Liability Insurance (of at least 2 million).
- National Insurance number or declaration of right to work.
- Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
- Declaration of any unspent convictions.
- Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
- Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.

(optional)

- Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
- Self-declaration of membership of the Westminster Busking and Street Entertainment Forum.

How a decision is made to grant, vary or refuse an application

Applications will only be considered valid if the application is fully completed along with all required accompanying documents and payment of the application fee.

All applications will be considered on their own merits.

Applications that do not involve any changes to the standard conditions will be determined within 10 days, and the licence will be granted for a period of six months.

There may be applicants who would like the terms of their licence application varied. For example, a juggler might choose to apply to vary the pitch conditions to allow flaming torches; or a magician might choose to apply to vary the pitch conditions to allow a performance with a licensed performing animal. An application to vary any of the standard conditions can be made when making the application for the licence by completing the appropriate section of the application form. Should an applicant request a variation, they may expect to receive a decision within 21 days.

The following process for deciding whether to grant, vary or refuse an application is set out below:

- **Determining Officer** – The decision whether to grant, vary or refuse an application for a busking and street entertainment licence will in most cases be made by a determining officer.
- **Senior Manager** – The delegated officer may refer applications that are considered more serious, complex, sensitive or concerning more unusual or innovative varying terms and conditions to a senior manager for consideration.

When we may refuse an application

An application for a busking and street entertainment licence may be refused on the following grounds:

Refusal Reason	Considerations include (but not limited to):
Does not meet the threshold of 'fit and proper'	<ul style="list-style-type: none"> ● Does not have a right to work. ● Has a relevant unspent criminal conviction which may for example include an offence of anti-social behaviour related to busking and street entertainment. ● Has a record of noncompliance with the Westminster Code of Conduct and/or officer instructions. ● Has a record of substantiated complaints and noncompliance with licence terms and conditions. ● A licence has previously been revoked in our city or other similar schemes. ● Information provided as part of the application is demonstrated to be false.
Likelihood of nuisance being caused to the occupiers of premises in the vicinity or users of the shared public space	The type or size of performance or equipment being used in accordance with the pitch and performer terms and conditions.

³ These regulations are made pursuant to section 36(1) of the London Local Authorities Act 2000

When we may revoke a licence

The decision to revoke a licence may only be made by the Licensing Sub-Committee.

A Police Officer or Authorised Officer of the council may request that the Licensing Sub-Committee consider that a busking and street entertainment licence should be revoked. In such cases the busker or street entertainer licence holder will:

- Receive a letter setting out the grounds upon which the officer is requesting that the busking and street entertainment licence ought to be revoked.
- Be given 21 days to provide a written submission for consideration by the Licensing Sub-Committee.
- Be invited to attend a Licensing Sub-Committee where the licence holder will be given an opportunity to address the Licensing Sub-Committee.

A licence may be revoked on the following grounds:

- That there has been a breach of the conditions of the licence;
- that nuisance has been caused or undue interference with, or inconvenience to, or risk to the safety of persons using the street, or other streets within the vicinity of the street, has been caused as a result of the busking and street entertainment taking place.

How you can cancel your licence

A performer wanting to cancel their licence can do so if the request is made in writing to the council. This can be done via the councils busking and street entertainment webpages.

How you can renew your licence

A busker and street entertainer can apply to renew their busking and street entertainment licence online. A renewal application should only be made when being made on the same terms of the existing licence. If any changes are required, this will be treated as a new application.

If an application to renew a licence is submitted prior to the expiry of that licence, it will be deemed to continue until the application for the renewal is determined. Where a licence expires before a renewal application is submitted, the licence holder will need to apply for an entirely new licence.

When you can appeal a decision, we have made

There is a right of appeal if:

- an application for the grant of a licence is refused.
- a licence holder who is aggrieved by any term, condition or restriction on or subject to which the licence is held.
- a licence holder whose licence has been revoked.

Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision in writing. Where the decision is notified by post to the applicant or licence holder, the 21 days begins seven days after the notification was posted by first class post.

A further appeal against the Magistrates' Court decision may be made to the Crown Court where the court may make any such order as it thinks fit.

Getting your feedback and reviewing our Policy

We are committed to monitoring this policy through regular feedback with our community including buskers and street entertainers, residents and businesses. Feedback sessions will occur every three months throughout the first full calendar year of the policy, in order to assess its impact and effectiveness. Meeting dates and how to get involved in these feedback sessions will be available online.

We will also complete a full review after the first 12 months (or sooner) and amend the policy if required.

COMPLAINTS, COMPLIANCE AND ENFORCEMENT

Making a complaint

Buskers and street entertainers are usually unaware of the impact they are having on their surroundings and will often happily adjust their performance if asked. If a busker or street entertainer is causing a nuisance and you feel comfortable to do so, you should approach them, explain the problem and politely ask that they adjust their performance.

If speaking to the busker or street entertainer is not possible, or you are experiencing an on-going issue, you can report your complaint to the council.

Please provide us with as much information as possible as this helps our enforcement officers gather the right information and take targeted action. Your complaint should include information such as:

- The physical description of the busker or street entertainer.
- The exact location and time of the performance.
- What type of performance it was (for example a band, a magician etc.)
- What behaviour was problematic and/or causing you a nuisance and for how long.
- Any other information you think will be relevant for our officers to know.

To report a complaint go online at westminster.gov.uk/report-it or call us on 020 7641 2000.

Compliance and Enforcement

In line with our Corporate Enforcement Policy, in most cases we will take a stepped approach to enforcement. This means we will in the first instance help buskers and street entertainers to be aware of and understand the Busking and Street Entertainment Policy across our city which may include receiving a warning notice. Should the busker or street entertainer continue to act unreasonably or breach the licensing conditions, our officers will take appropriate enforcement action.

The enforcement action taken will vary depending on whether the busker or street entertainer is in a nonregulated or regulated area, as outlined below.

Enforcement in Nonregulated / Self-regulated Areas

In all non-regulated areas across our city the following enforcement options are available to an authorised officer or police officer:

- they may make reasonable requests that the busking or street entertainment is adjusted so as not to cause a nuisance which may include requesting that the performance stops.
- they may issue a statutory notice that will clearly set out the actions which must be taken and the timescale to do so to ensure that any behaviour is rectified and/or prevented from recurring. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution.

Enforcement in Regulated Areas

In addition to the enforcement options outlined above, where a busking and street entertainment licence is required, and busking and street entertainment is taking place or is about to take place without a licence or in breach of the licence conditions, the following additional options are available to an authorised officer or a police officer:

- equipment (including instruments) connected with the busking and street entertainment may be seized.
- proceedings may be instigated to prosecute the person for offences under Part V London Local Authorities Act 2000.
- the council may consider revoking the licence and/or refusing any future application.

APPENDIX A

The Busking and Street Entertainment Regulation Areas

The Busking and Street Entertainment Regulation Areas (where Part V of the London Local Authorities Act 2000 applies). Busking and street entertainment is prohibited in these areas apart from licensed busking and street entertainment in any of the eight designated pitches identified in the maps that follow.

Oxford Street

- Oxford Street in its entirety

Marble Arch

- Traffic island immediately west of Oxford Street (site of Marble Arch), all carriageways and footways around it including Bayswater Road and Cumberland Gate. Extending to Edgware Road, both sides (including carriageway, pavements and walkways) up to the junction of Connaught Place
- Great Cumberland Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street

North of Oxford Street

- Old Quebec Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street
- Portman Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Bryanston Street
- Orchard Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Portland Mews South
- Duke Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Wigmore Street
- Bird Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Barrett Street
- James Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Wigmore Street
- Picton Place in its entirety (including carriageway, pavements and walkways)
- Barrett Street in its entirety (including carriageway, pavements and walkways)

- Gees Court in its entirety (including carriageway, pavements and walkways)
- St Christopher's Place in its entirety (including carriageway, pavements and walkways)
- Stratford Place in its entirety (including carriageway, pavements and walkways)
- Marylebone Lane (including carriageway, pavements and walkways) from both junction off Oxford Street to junction of Henrietta Place
- Vere Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Chapel Place, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Old Cavendish Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Henrietta Place
- Holles Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Cavendish Square
- John Prince's Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Regent Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Great Portland Street (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Great Castle Street
- Great Castle Street, (including carriageway, pavements and walkways) from junction to Great Portland Street to junction of Market Place
- Market Place in its entirety (including carriageway, pavements and walkways)
- Market Court in its entirety (including carriageway, pavements and walkways)
- Great Titchfield Street in its entirety (including carriageway, pavements and walkways)
- Winsley Street, (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Eastcastle Street
- Adam and Eve Court, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street

- Wells Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street
- Berners Street, both sides (including carriageway, pavements and walkways) junction to Oxford Street to junction to Eastcastle Street
- Newman Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Eastcastle Street
- Rathbone Square in its entirety (including carriageway, pavements and walkways)
- Perry's Place in its entirety (including carriageway, pavements and walkways)
- Rathbone Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction of Gresse Street
- Gresse Street from junction of Stephen Mews to junction of Hanway street
- Hanway Street Westminster side only (including pavements and walkways)
- Tottenham Court Road, West Side (including carriageway, pavements and walkways) from junction adjacent to Great Russell Street, to the Charing Cross road and Oxford Street junction

South of Oxford Street

- Charing Cross Road, West Side (including carriageway, pavements and walkways) from junction to Tottenham Court Road and Oxford Street to junction to junction to Goslett Yard
- Soho Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Soho Square
- Dean Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Fareham Street
- Fareham Street in its entirety, both sides (including carriageway, pavements and walkways)
- Great Chapel Street both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Fareham Street
- Wardour Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Hollen Street and Noel Street
- Berwick Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Noel Street
- Poland Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Noel Street and Great Marlborough Street

- Ramillies Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Ramillies Place
- Hills Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street inclusive of Ramillies place to junction to Ramillies Street
- Argyll Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Great Marlborough Street
- Little Argyll Street in its entirety (including carriageway, pavements and walkways)
- Regent Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Great Marlborough Street and Maddox Street
- Swallow Passage, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Princes Street
- Harewood Place, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Hanover Square
- Dering Street in its entirety, both sides (including carriageway, pavements and walkways)
- New Bond Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- Blenheim Street in its entirety (including carriageway, pavements and walkways)
- Woodstock Street in its entirety (including carriageway, pavements and walkways)
- Sedley Place in its entirety (including carriageway, pavements and walkways)
- Davies Mews in its entirety (including carriageway, pavements and walkways)
- South Molton Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- South Molton Lane, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brook Street
- Gilbert Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Weighouse Street
- Binney Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Weighouse Street

- Duke Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brown Hart Gardens
- Lumley Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to Brown Hart Gardens
- Balderton Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row
- North Audley Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row
- Park Street, both sides (including carriageway, pavements and walkways) from junction to Oxford Street to junction to North Row

Piccadilly Circus

- Regent Street, both sides (including carriageway, pavements and walkways) from junction to Air Street to junction of Shaftebury Avenue
- Glasshouse Street, both sides (including carriageway, pavements and walkways) from junction of Regents Street to junction of Air Street
- Piccadilly (A4), both sides (including carriageway, pavements and walkways) from junction to Air Street and Eagle Place to junction of Shaftebury Avenue
- Piccadilly lights intersection in its entirety (including carriageway, pavements and walkways)
- Pedestrianised Area at Piccadilly including the Eros Statue, carriageway, pavements and walkways
- Coventry Street, both sides (including carriageway, pavements and walkways) from junction to Piccadilly to junction of Whitcomb Street
- Shaftebury Avenue, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Charing Cross Road
- Great Windmill Street (including carriageway, pavements and walkways) from junction of Coventry street to junction of Shaftebury Avenue
- Rupert Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Shaftebury Avenue

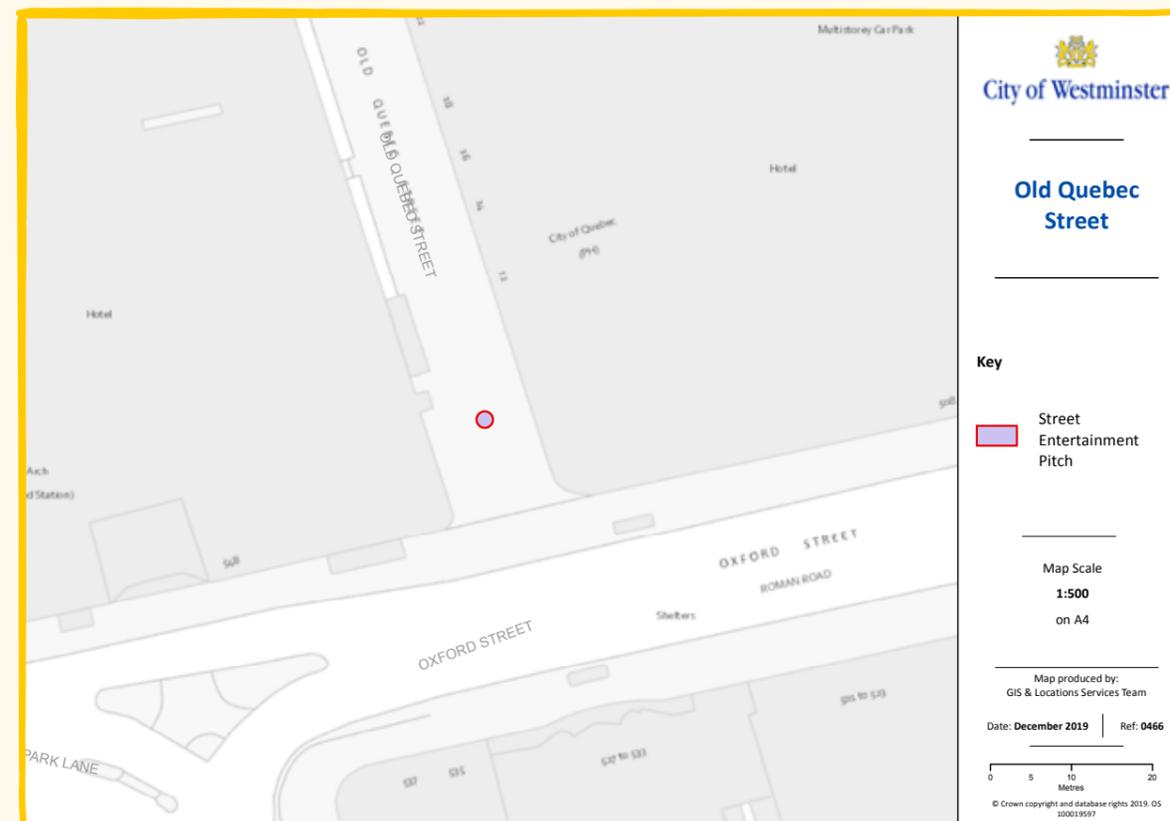
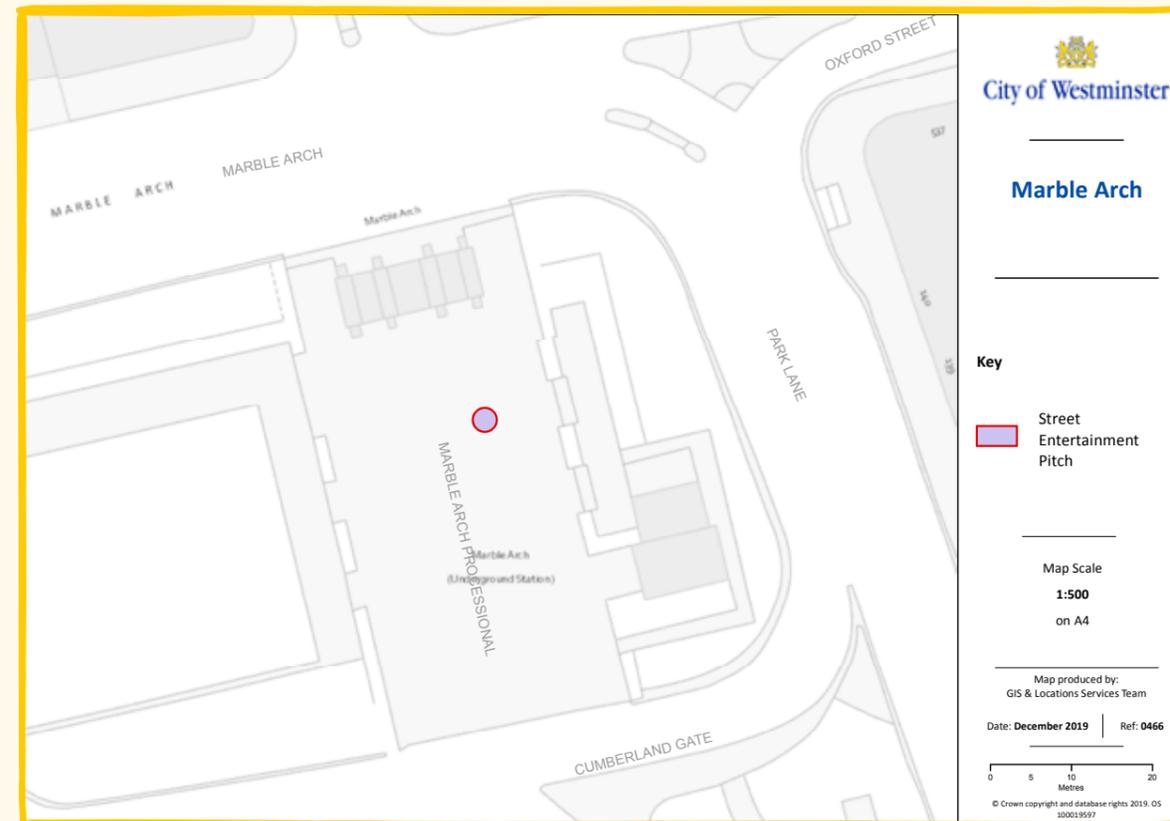
Chinatown

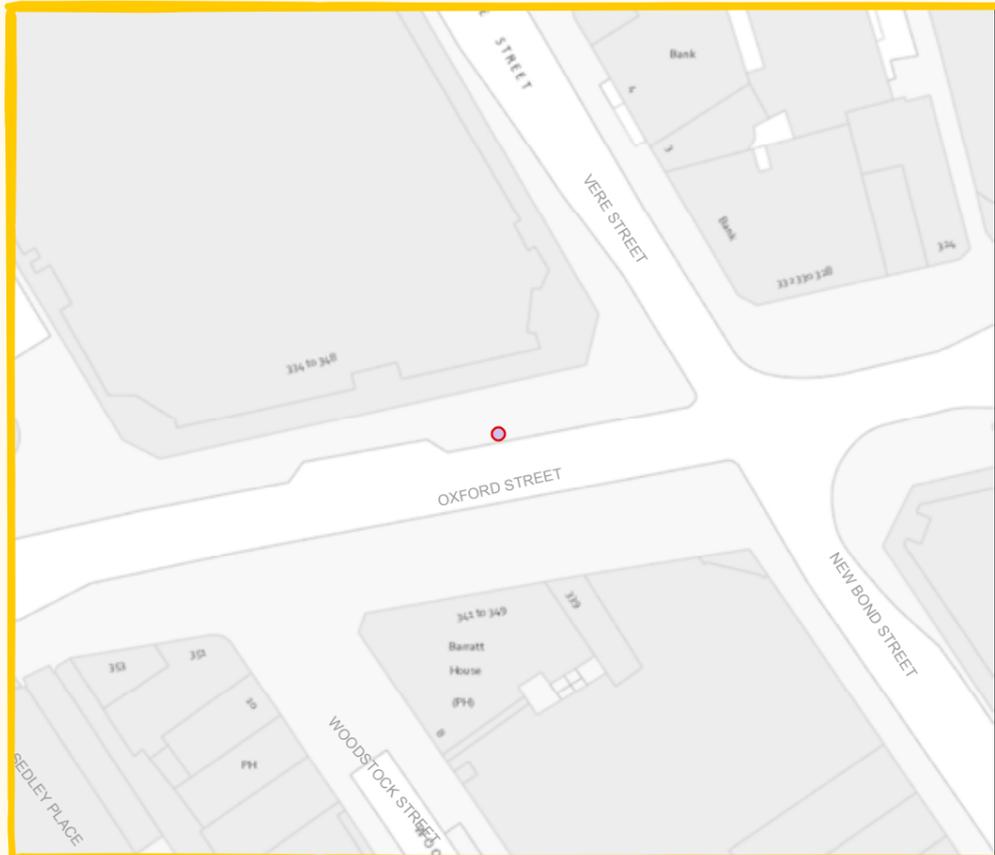
- Wardour Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Shaftsbury Avenue
- Lisle Street, in its entirety (including carriageway, pavements and walkways)
- Little Newport Street, in its entirety (including carriageway, pavements and walkways)
- Newport Place, in its entirety (including carriageway, pavements and walkways)
- Gerrard Place, in its entirety (including carriageway, pavements and walkways)
- Gerrard Street, in its entirety (including carriageway, pavements and walkways)
- Dansey Place, both sides (including carriageway, pavements and walkways) from junction to Wardour Street to junction of Macclesfield Street
- Whitcomb Street, both sides (including carriageway, pavements and walkways) from junction to Coventry Street to junction of Panton Street
- Panton Street (east side), both sides (including carriageway, pavements and walkways) from junction to Whitcomb Street to junction of Leicester Square
- Macclesfield Street, in its entirety (including carriageway, pavements and walkways)

Leicester Square

- Charing Cross Road, both sides (including carriageway, pavements and walkways) from junction to Shaftsbury Avenue to junction of Irving Street
- Irving Street, both sides (including carriageway, pavements and walkways) from junction to Charing Cross Road to junction of Orange Street
- Orange Street, both sides (including carriageway, pavements and walkways) from junction Whitcomb Street to Charing Cross Road
- Leicester Square and Leicester Square gardens in its entirety and all pedestrianised roads and areas including:
 - Leicester Street
 - Bear Street
 - Swiss Court
 - Cranbourn Alley
 - Leicester Square
 - Irving Street
 - Leicester Place
 - Panton Street
 - Cranbourn Street
 - St Martin's Street
 - Leicester Court
 - Long Court

BUSKING AND STREET ENTERTAINMENT PITCH LOCATIONS





City of Westminster

Vere Street

Key

- Street Entertainment Pitch

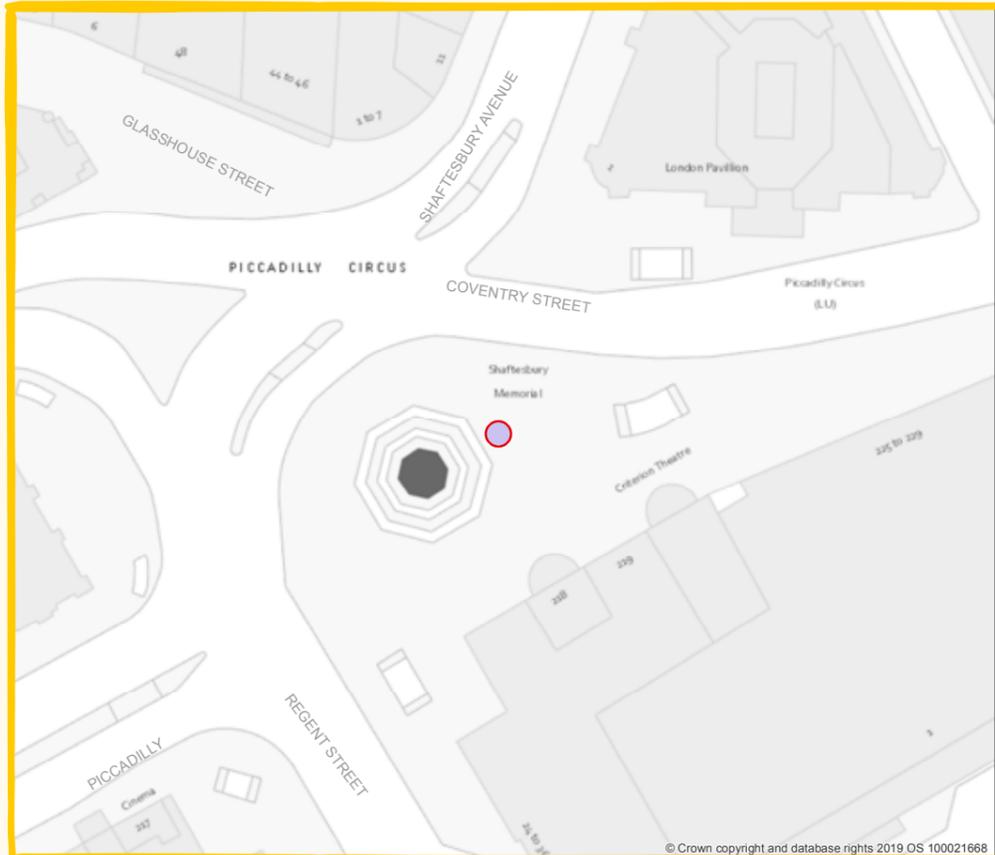
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City of Westminster

Eros Statue

Key

- Street Entertainment Pitch

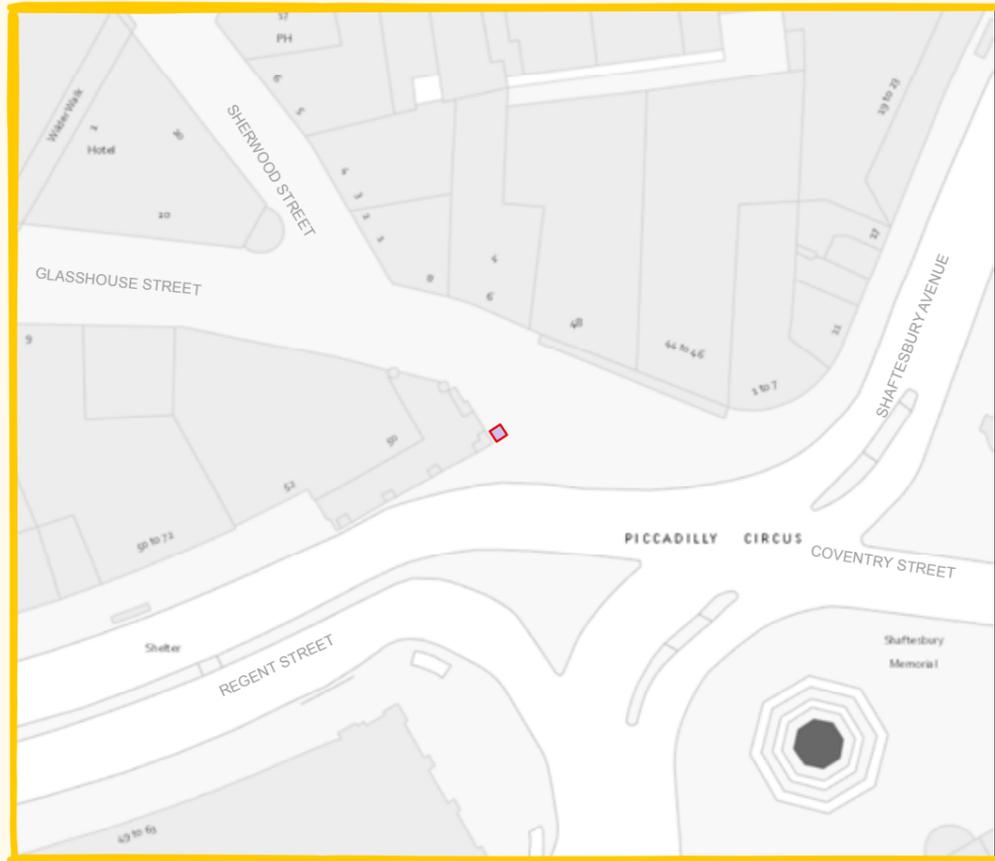
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City of Westminster

Glasshouse Street

Key

- Street Entertainment Pitch

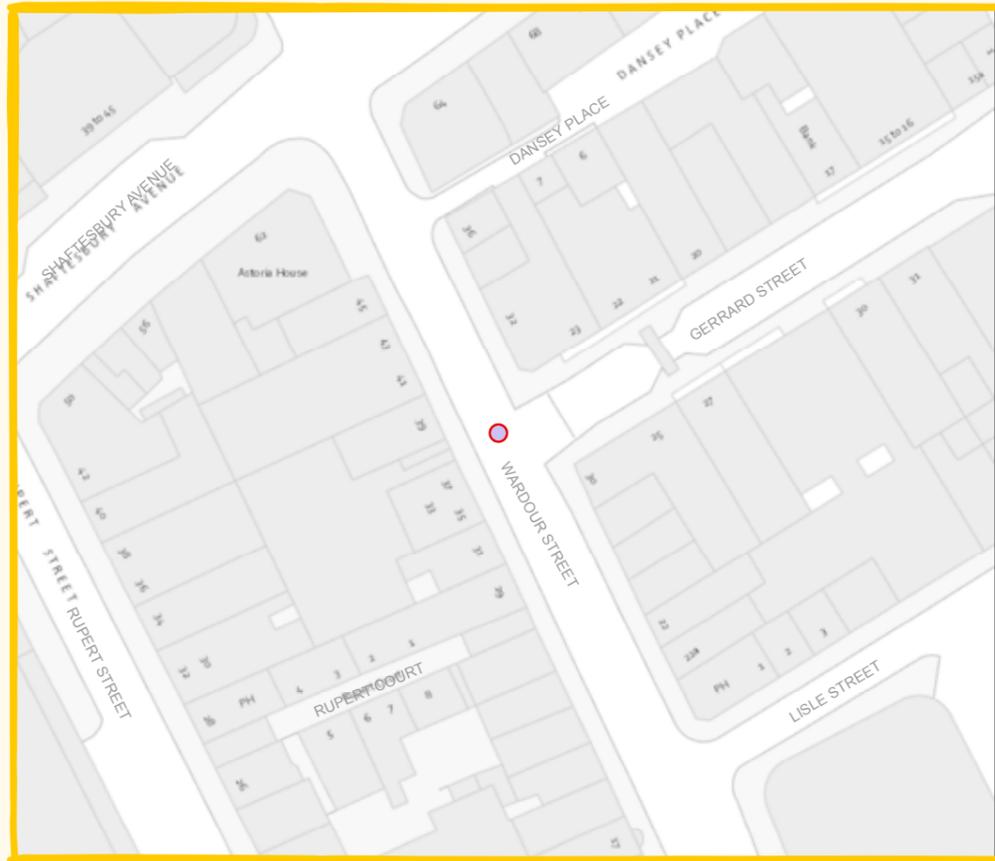
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City of Westminster

China Town

Key

- Street Entertainment Pitch

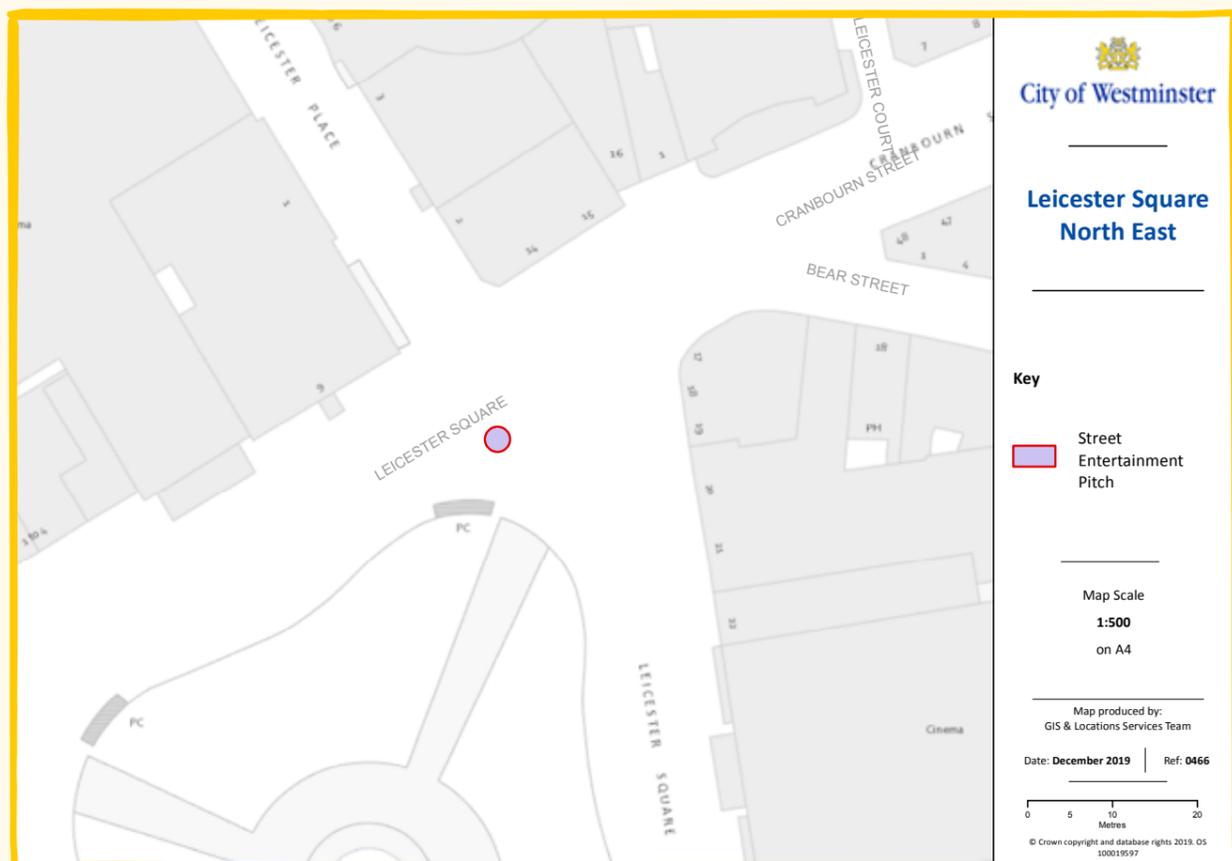
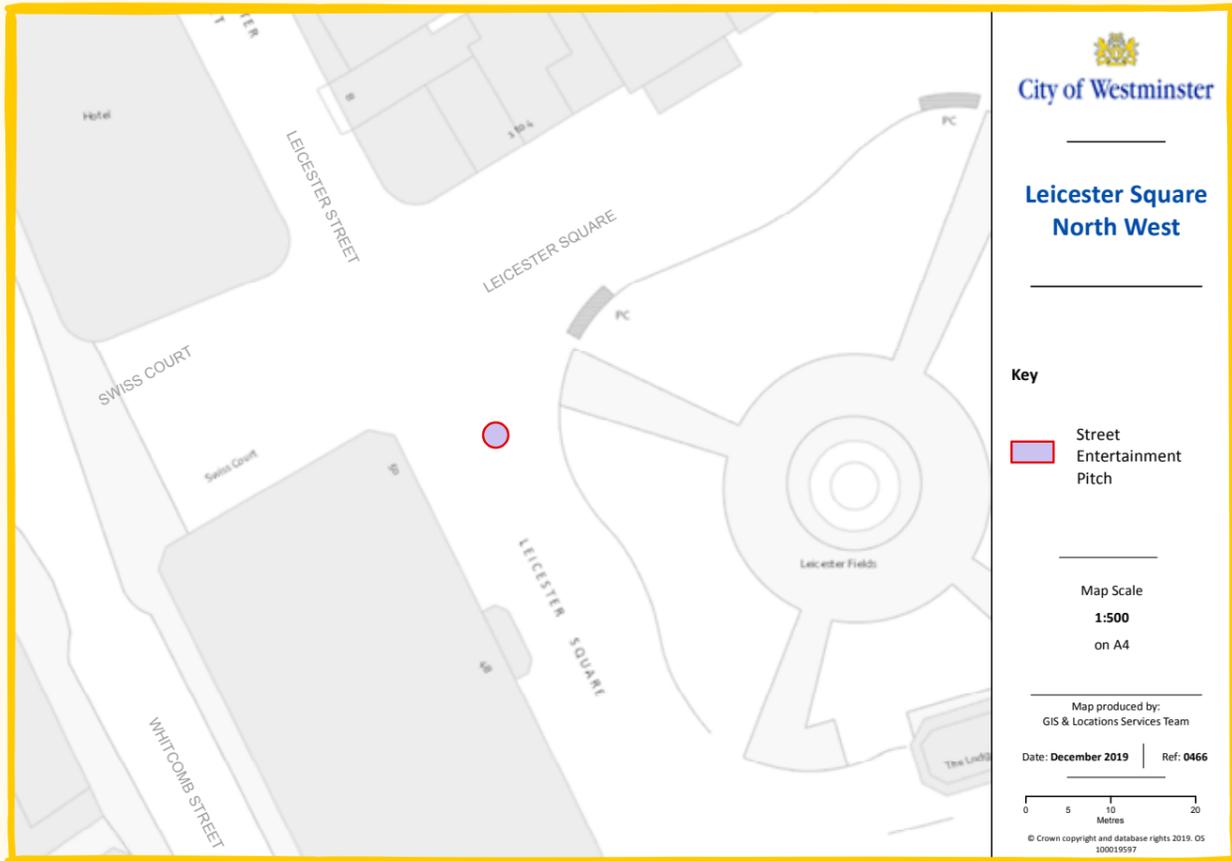
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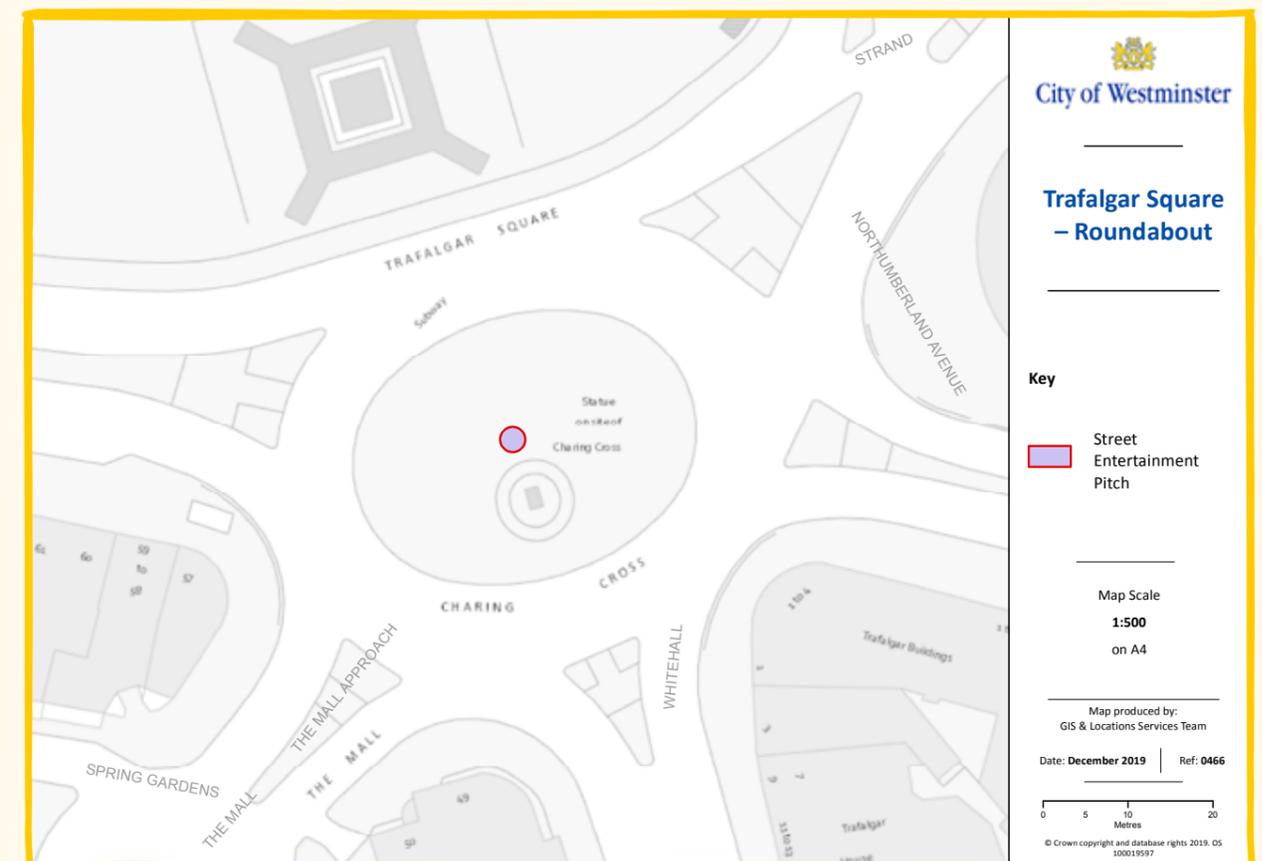
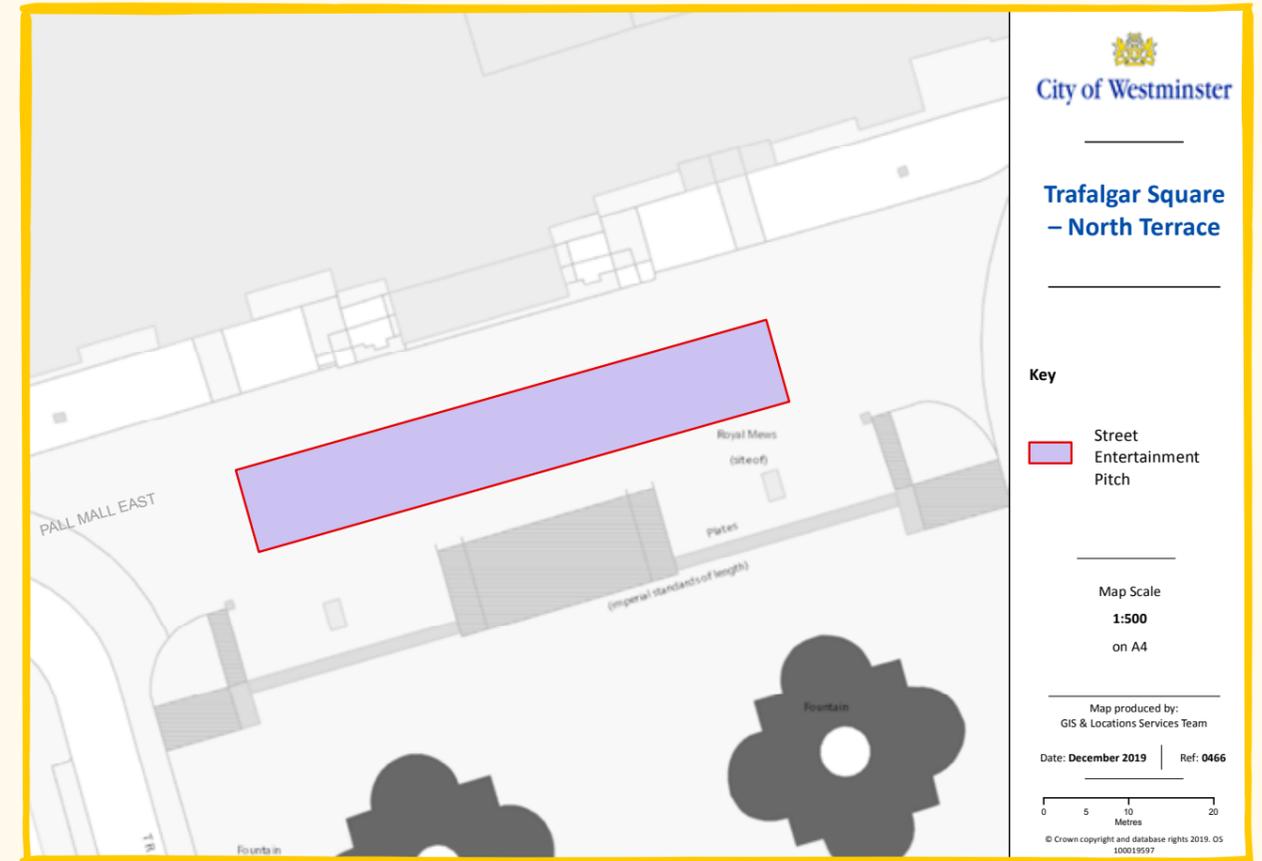
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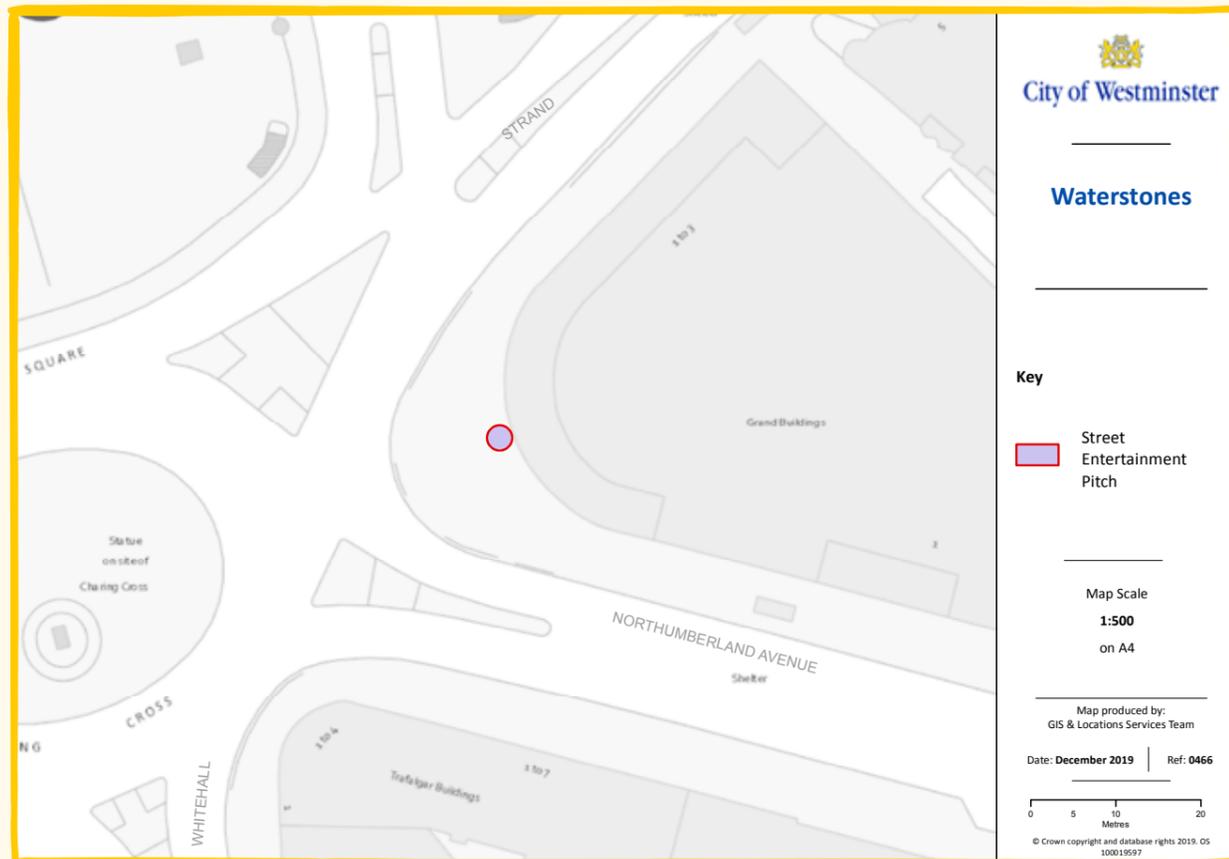
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The Trafalgar Square pitch locations are indicative of the marked areas where busking and street entertainment is to take place under the management of the SPA. These pitch locations are not designated under Part V London Local Authorities Act 2000.





APPENDIX B

Regulations made by the City of Westminster pursuant to Section 36(1) and 36(2) of the London Local Authorities Act 2000 prescribing the information to be provided by applicants for the grant of a busking and street entertainment licence and the procedure for determining applications.

In these Regulations, the expressions “Street” and “Busking” have the same meaning as set out in Section 32 of the London Local Authorities Act 2000.

1. All applications (including new applications, renewal applications and variation applications) must be made using the online application form provided by Westminster City Council and must be accompanied by a passport size photograph of the applicant, along with the application fee.
2. Applications must be made by individual buskers and street entertainers. If in a group, each busker or street entertainer must apply for an individual licence.
3. The following information is required for all applications:
 - Name and home address in the UK.
 - Telephone or mobile number or email address to enable licensing authority to contact the applicant without delay.
 - Two forms of identification, including a passport or driving licence.
 - Proof of valid Public Liability Insurance (of at least 2 million).
 - National Insurance number or declaration of right to work.
 - Declaration of any previous refusal or revocation of a licence under the Westminster Busking and Street Entertainment scheme or any other similar scheme in the United Kingdom.
 - Declaration of any unspent convictions.
 - Brief description of the busking and street entertainment that will be performed and a description of any instruments or other equipment that may be used during the performance.
 - Confirmation of having read and understood the Westminster City Council Code of Conduct for busking and street entertainment and the standard conditions that apply to all busking and street entertainment in Westminster.
4. The applicant will be given the option of declaring the following information:
 - Self-declaration of membership of the Westminster Street Performers Association and/or Musicians Union membership.
 - Self-declaration of having signed up to join the Westminster Busking and Street Entertainment Forum.
5. The applicant will also be given the opportunity to apply for a temporary licence to engage in street trading pursuant to the City of Westminster Act 1999. Such a temporary licence will only be granted if the busking and street entertainment licence is granted and the duration of the temporary licence will be identical to the duration of the busking and street entertainment licence.
6. Any temporary licence that is granted pursuant to the City of Westminster Act 1990 in accordance with these regulations will only permit trading to take place from the designated pitch at which the busker and street entertainer is performing for a period starting when the performance commences and ending 15 minutes after the performance has concluded. The trading permitted by such a licence will be restricted to merchandise that is directly related to the busking and street entertainment taking place (such as CDs being sold by a musician). A separate fee will have to be paid for the temporary licence.

Additional requirements for a variation application

7. The following additional information is required for any application to vary a busking and street entertainment licence:
 - The conditions requested to be varied.
 - Proposals for alternative conditions (if any).
8. It is not possible to apply to vary a licence to provide busking and street entertainment in any part of the Westminster City Council that has not been designated as a licence street.

The Procedure for Determining Applications

9. Applications will only be regarded as valid when they have been made in accordance with these regulations, including the payment of the correct fee.
10. Any application that is made to engage in busking and street entertainment in any street in the Westminster City Council that has not been designated as a licence street will be refused (in accordance with Section 37 (2) of the London Local Authorities Act 2000).
11. All applications granted by the council shall be deemed to have been so granted subject to any standard conditions that have been prescribed by the council under Section 40 of the London Local Authorities Act 2000, except so far as they are expressly excluded or amended in any particular case.
12. Applications may be granted in full or refused or granted subject to such additional conditions as may be considered appropriate in the circumstances.
13. An application to vary a busking and street entertainment licence can be made at the same time as an application for a new licence or an application to renew the licence without incurring an additional fee. An application to vary a licence that is made at any other time will incur a separate fee.
14. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does not involve any changes to the standard conditions will usually be determined within 10 working days following the receipt of the application (excluding weekends and all bank and public holidays).

15. Subject to Condition 22 below, a valid application for a new busking and street entertainment licence, or the renewal of such a licence, that does involve any changes to the standard conditions will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
16. Subject to Condition 22 below, a valid application for a variation of a busking and street entertainment licence that is not made at the same time as an application for a new licence or for the renewal of that licence will usually be determined within 21 working days following the receipt of the application (excluding weekends and all bank and public holidays).
17. A busking and street entertainment licence will be granted for a period of six months.
18. An application to renew a busking and street entertainment licence must be made so as to be received by the licensing authority on or before the date of expiry of the existing licence. No late applications for renewal will be processed.
19. When an application to renew a busking and street entertainment licence has been made so as to be received by the licensing authority on or before the date of expiry of the existing licence, the existing licence will be deemed to remain in force until such time as it is either renewed or the holder of the licence is informed in writing that the application has been refused. The holder of the licence is deemed to have been informed that the application has been refused as soon as he or she has been informed of the refusal or seven days after the date when the notice of refusal was posted by first class pre-paid letter to the address held for that person by the licensing authority, whichever is the earliest.
20. All applications will be determined by a single officer ("the determining officer"). There may be a number of determining officers but all of them will be authorised in writing by the Executive Director heading up the licensing service. The Executive Director (or any person in an equivalent post) will have delegated powers to authorise the determining officers.

21. All applications will be determined on merit having regard to any Busking and Street Entertainment policy that may be in force and may be subject to consultation with the Police or appropriate officers within the council itself, such as officers from the Environmental Health Service and Highways Service. The determination does not involve an audition process and the determining officer will not make any assessment regarding the content or the quality of the busking and street entertainment that will be provided by the applicant.
22. If the determining officer is minded to refuse the application or is only minded to grant the application subject to additional conditions being imposed on the licence, the applicant will be given written notification and an opportunity to provide additional information in support of the application. Any delay in providing additional information might impact on the ability to meet the time limits set out in Conditions 14, 15 and 16 above.
23. Applications will be determined on the basis of the information provided by the applicant, any written representations that may be received in response to any consultation and any additional written submissions received from the applicant. The final decision reached by the determining officer will not be subject to any internal review but any decision that is adverse to the applicant can be challenged by way of an appeal in accordance with the provisions contained in section 41 of the London Local Authorities Act 2000.
24. If a request is received to consider the possible revocation of a busking and street entertainment licence pursuant to Section 39 of the London Local Authorities Act 2000, that will be referred for determination by a Licensing Sub-Committee.

